

Summary

Deferral and discontinuance of the enforcement of judgment (execution)

Carrying out the enforcement of the judgement represents a rather great impact on the obliged person's rights. Despite the fact that it is this obliged person who has caused such enforcement by not fulfilling voluntarily what has been imposed upon him by the enforceable decision, the law has to provide a certain standard of protection. Thus, in the Czech legal environment, it creates above all a deferral and discontinuance of the enforcement of judgement (execution). The main purpose of this thesis is to focus on these two institutes and also on costs in connection with them as they are a concern not only for the obliged person but for the entitled person as well.

The thesis is divided into four chapters. While the first one presents general information about the enforcement of judgement and execution, its legal sources and difference between both concepts, the main part of the thesis lies in the three following chapters.

The second chapter deals with deferral of enforcement of judgement (execution), i.e. situation when the court (or executioner) may suspend carrying out the enforcement of the decision where (i) the obliged person has temporarily got without his fault into such a condition that an immediate enforcement of the decision would have extremely unfavourable consequences for him or for the members of his family and where the entitled person would not be seriously damaged by the suspension of the enforcement of the decision or (ii) where discontinuance of the enforcement of the proceedings can be expected.

The third chapter focuses on discontinuance of the enforcement of judgement (execution) and reasons for such discontinuance. It is further subdivided following these particular reasons.

The fourth chapter deals with costs of the enforcement of the decision, presenting them first of all in general and then focusing on costs in cases of deferral and discontinuance of the enforcement of judgement (execution).

The conclusion of the thesis outlines the expected changes in legislation that may have impact on these two institutes.

Klíčová slova/Keywords: výkon rozhodnutí – exekuce – odklad – zastavení – náklady – enforcement of judgement – execution – deferral – discontinuance - costs